UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michelle Newell, Case No. ______________

Plaintiff,

COMPLAINT

v.

General Mills, Inc.

Defendant.

Comes now the Plaintiff, and for her cause of action against the Defendant, states and alleges as follows:

JURISDICTION

1. Jurisdiction is conferred under 29 U.S.C. § 1132(e) as Plaintiff's claim is governed by the Employee Retirement Income Security Act of 1974, as amended (ERISA), 29 U.S.C. § 1001 et seq.

PARTIES

2. Plaintiff is a Minnesota resident.

3. Defendant, General Mills, Inc. ("General Mills") is a corporation licensed to do business in the State of Minnesota.

FACTS

4. At all times material herein the Plaintiff was employed by General Mills.

5. General Mills maintained an employee benefit plan (the “Plan”) and Plaintiff was a participant in that Plan for long-term disability.

6. General Mills’ Plan is funded by contributions made by General Mills and benefits are paid from the general assets of the company.

7. Defendant General Mills is a fiduciary under the Plan.

8. That as a result of various physical disabilities the Plaintiff qualified for disability benefits under the Plan and continues to be disabled.

9. Plaintiff properly made claims for benefits under the Plan, but Defendant denied her LTD claim for any further benefits as of September 1, 2016. Following an Administrative Appeal, Defendant again denied Plaintiff’s LTD claim on April 5, 2017, and confirmed that no further appeals were available through the Plan.

10. The decision to deny the LTD benefits is in violation of the Plan, a violation of ERISA, and a violation of the fiduciary duties owed by the Defendant to the Plaintiff.

11. That as a direct and proximate result of the Defendant’s actions, Plaintiff has sustained damages based on benefits due under the Plan.

12. That as a direct and proximate result of Defendant’s actions, Plaintiff has been forced to incur costs and attorney’s fees and, under the terms of ERISA, is entitled to be reimbursed by the Defendant for said fees and costs.

WHEREFORE, Plaintiff requests judgment against the Defendant granting her the following relief:

1. Ordering Defendant to pay Plaintiff all benefits due under the Plan.

2. Awarding Plaintiff prejudgment interest on the amount of benefits due.

3. Awarding Plaintiff costs and attorney's fees incurred in bringing this proceeding.

4. Granting Plaintiff such other and further relief as the Court may deem just and equitable.

Dated: April 27, 2017

NOLAN, THOMPSON & LEIGHTON, PLC

By: s/Robert J. Leighton, Jr.

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ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn. Stat. § 549.211, subd. 2, if this pleading is filed in bad faith.

s/Robert J. Leighton, Jr.